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UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

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STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

MINNESOTA

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PURPOSE OF COMPILATION

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings, "Administration," "Fires," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted.

PART I.—ADMINISTRATION.

(This part comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests and nurseries or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

SEC. 3783, GEN. STAT., MINN., 1913.

State forestry board: Personnel—Appointments—Terms—Qualifications.—There shall be a State forestry board, of nine members, composed of the director of the forestry school and the dean of the agricultural college of the University of Minnesota, and seven others appointed by the governor, for a term of four years and until their successors qualify. Two of said members shall be appointed upon the recommendation of the regents of the

university () and one shall be appointed upon the recommendation of each of the following bodies: The state agricultural society, the state horticultural society, and the state game and fish commission—provided suitable persons be recommended by them to the governor not later than January 31st, of the year in which such terms expire. All vacancies shall be filled the same as the original appointments. The members now in office shall hold through the terms for which they were respectively appointed. So far as practicable, all such appointees shall be appointed with reference to their knowledge of, and interest in, the planting and cultivation of trees in prairie regions, the preservation of natural forests, the reforestation of denuded lands, and the protection of the sources of streams. [L. 1911, ch. 125, sec. 1, amended by L. 1913, ch. 159, sec. 1.]

SEC. 3784.

Secretary to State forestry board: Appointment—Salary—Duties.—The state forestry board shall appoint a secretary at a salary not to exceed eighteen hundred (1800) dollars per annum,¹ whose duties shall be prescribed by the board. [L. 1911, ch. 125, sec. 2.]

SEC. 3785, AS MODIFIED BY SEC. 5377.²

State forestry board: Powers and duties, in general—Annual report.—The board shall have the management of the * * * [state forests] and of all other property acquired therefor, supervise all matters of forest protection and reforestation and have charge of all moneys appropriated therefor or accruing therefrom, including the forest reserve fund and the forest service fund. It shall ascertain and observe the best methods of reforesting cut-over and denuded lands, foresting waste and prairie lands, preventing destruction of forests and lands by fire, administering forests on forestry principles, encouraging private owners to preserve and grow timber for commercial purposes, and conserving the forests around the head waters of streams and on the watersheds of the state, and shall collect information regarding the timber lands owned by the state. On or before the first Monday in December of each year the board shall report its doings, conclusions, and recommendations, and any damage caused by forest and prairie fires and any trespassing upon state lands to the governor, which report shall be printed and distributed to the members of the legislature and otherwise as the board may direct. [L. 1911, ch. 125, sec. 3.]

SEC. 5379, AS MODIFIED BY SEC. 5377.²

State forestry board: Powers and duties concerning, contracts, seal, regulations, state forests, litigation, leases, sales of timber, and alienation of tracts—Quorum.—The board may enter into contracts in the name of the state; may adopt a seal; may make all reasonable rules and by-laws for its own government, and for the care, management, and preservation of the * * * [state forests]; may cause actions to be brought in the name of the state to protect the state's interests in matters confided to its care; may lease, for income or for protection, meadow and pasture lands, where such use will not interfere with the growth of forest trees; may sell dead and down and mature timber, and other timber where the public interests will be subserved thereby; and may alienate any tract of land, when such alienation is demanded by the growth of towns, the building of railroads, or water power or other public improvements. A majority of the board shall be a quorum for the transaction of business. [Sec. 2509.]

SEC. 5380.

State forestry board: No compensation—Expenses.—The members of the board shall receive no compensation for their services as such, but they shall be repaid their reasonable expenses incurred in attending

meetings of the board or executive committee, or in performing services at the request of either. [Sec. 2511.]

SEC. 3786.

State forestry board: President—Vice president—Executive committee.—State forester: Qualifications—Salary and expenses—Office—Appointment and removal of assistant forester and employees—Other powers and duties concerning equipment, accounts, investigations, forest protection, publications, and fire notices.—The board shall elect a president and vice-president annually. It may appoint an executive committee on which it may confer authority to act for it in minor details which cannot conveniently be acted upon by the board. The board shall appoint a state forester who shall be a trained forester, at a salary not to exceed four thousand (4,000) dollars per annum,¹ and he shall be allowed necessary traveling and field expenses incurred in the conduct of his official duties. The office of the state forester shall be at the state capitol and the board is hereby authorized to employ such office assistants as may be necessary and to fix their compensation. The state forester, with the approval of the state forestry board, may appoint an assistant forester and such other employees, outside of the office assistants, as may be necessary in carrying out the provisions of this act and fix the amount of their compensation;¹ and the state forester shall have the power to remove any such subordinate officers and employees so appointed by him. He shall be authorized under the direction and approval of the state forestry board to purchase all necessary equipment, instruments and field supplies. A full and accurate account of all receipts and expenditures incurred in the carrying out of the provisions of this act, with such vouchers and forms as may be recommended by the state public examiner, shall be kept in a system of books prescribed by such examiner. The state forester shall execute all rules and regulations issued by the state forestry board pertaining to forestry and forest protection within the jurisdiction of the state; shall investigate the origin of all forest fires, and prosecute all violators of this act; shall prepare and print for public distribution an abstract of the forest fire laws of Minnesota, together with such rules and regulations as may be formulated by the state forestry board. He shall prepare printed notices calling attention to the dangers from forest fires and cause them to be posted in conspicuous places, and shall furnish same to the railroad companies whose duty it shall be to post them in such places as he may direct. [L. 1911, ch. 125, sec. 4.]

SEC. 3787, AS MODIFIED BY SEC. 5377.²

State forester, further duties of: Data and maps of timber and cut-over lands and state forests—Distribution of maps—Protection from fire and trespass—Reports upon forest and fire work, including second-growth timber data—Recommendations for forest protection, management, and reforestation.—The state forester shall become familiar with the location

¹ For later legislation as to salaries see secs. 294, 295, on p. 4.

² See p. 9.

¹ For later legislation as to salaries, see secs. 294, 295, on p. 4.

² See p. 9.

and area of all state timber and cut-over lands and prepare maps of * * * [state forests] and each of the timbered counties showing the state lands therein, and shall supply such maps to the district rangers, to the officials of the state and counties requiring them, and in all ways that are practicable and feasible shall protect such lands from fire and the illegal cutting of timber; he shall report from time to time to the board, such information as may be of benefit to the state in the care and management of its timber.¹ It shall be his duty to inquire into the extent, kind, value, and condition of all timber lands; the amount of acres and value of timber that is cut or burned, and he shall also report the quantity and species of second-growth timber, and shall not later than the first of December of each year make a written report to the state forestry board upon all such data ascertained by him, and shall recommend therein plans for improving the state system of forest protection, management and reforestation. [L. 1911, ch. 125, sec. 5.]

SEC. 3788.

State forester, scientific management of forest resources: Cooperation with State auditor, State and Federal departments, counties, towns, corporations, and individuals.—The state forester shall co-operate with the state auditor and with the several departments of the state and federal governments, or with counties, towns, corporations, and individuals, in the preparation of plans for forest protection, management, replacement of trees, wood lots, and timber tracts, using his influence as time will permit toward the establishment of scientific forestry principles in the management and protection of the forest resources of the state.¹ [L. 1911, ch. 125, sec. 6.]

SEC. 1, CH. 325, L. 1915.

State forester: Employment by, of sanatorium inmates.—The state forester is hereby authorized and directed that in the employment of labor whenever it is necessary to reforest the state lands of the state, or to perform such other labor as will by him be deemed proper in the care of such land, he shall consult the superintendent of the State Sanatorium for Consumptives and find from such superintendent, those persons who are able to perform labor who have received treatment at said sanatorium or county sanatorium for three months and shall in the employment of such laborers give preference to those who are in his judgment competent to perform such labor.

SEC. 2.

Compensation for sanatorium labor.—The compensation to be paid for such labor shall be the same as that received by others for like services.

¹ The State forester is also a member of the State board of timber commissioners, which is composed of the governor, treasurer, auditor, State forester, and attorney general. (See Gen. Stat., Minn., sec. 5270.)

SEC. 3789, GEN. STAT., MINN., 1913.

State forester, construction of fire-breaks: Co-operation with the State highway commission and town and village officials.—The state forester shall also co-operate with the state highway commission and with the supervising officers of the various towns and villages in the construction of fire-breaks along section lines and public highways.¹ [L. 1911, ch. 125, sec. 7.]

SEC. 3790.

State forester, educational work: In general, and in cooperation with the University of Minnesota.—The state forester may advance, as he deems wise, education in forestry within the state by publications and lectures, and upon the invitation of the director of the college of forestry of the University of Minnesota may co-operate with the said college so far as his time will permit, and such college shall furnish such aid to him as in the circumstances is consistent with its own proper functions. [L. 1911, ch. 125, sec. 8.]

SEC. 3791.

State forester, auditing duties of.—It shall be the duty of the state forester to audit and inspect all bills for salary and expenses incurred by the district rangers and by fire patrolmen for the suppression, checking and control of fires and recommend to the forestry board the amounts justly due and which should be paid. [L. 1911, ch. 125, sec. 9.]

SEC. 3800.

Penalty for refusal to enforce forestry act (ch. 125, L. 1911).—(For text of the provision, see this section on p. 8).

SEC. 3808.

Appropriations for 1911, 1912, 1913.—Claims, how paid—Vouchers, how approved.—* * * The manner of presenting claims to the state auditor and payment of the same shall, so far as practicable, be in accordance with chapter ninety-six (96) of the General Laws of Minnesota for 1905. Itemized vouchers of all expenses shall be approved as directed by the forestry board. [L. 1911, ch. 125, sec. 26.]

SEC. 3809.

Meaning of the term "Board."—Whenever the word "board" is mentioned or referred to in the forestry laws of the state of Minnesota it shall mean the state forestry board herein created. [L. 1911, ch. 125, sec. 27.]

SEC. 3810.

Repeal of certain laws.—Chapter 22, Revised Laws, 1905 and sections 2505, 2506, 2507, 2508, 2510 and 2515 Revised Laws, 1905; chapters 82 and 310 of the General Laws of Minnesota for 1905; chapter 182 of the General Laws of Minnesota for 1909 and all acts and parts of acts inconsistent with this act are hereby repealed. [L. 1911, ch. 125, sec. 28.]

¹ See also secs. 3801, 3806, on p. 5.

SEC. 294.

Salaries of forest officers and employees: Fixed—When payable.—The yearly salaries of the state officers and employees mentioned in this act shall be as herein fixed and all salaries shall be payable in monthly installments.

* * * * *

17. State forester, four thousand dollars; assistant forester, twenty-seven hundred dollars; secretary, eighteen hundred dollars; clerk, twelve hundred dollars; draughtsman, nine hundred sixty dollars; two stenographers, nine hundred dollars each. [L. 1913, ch. 400, sec. 1.]

SEC. 295.

Salaries, as provided, to be in full for all services.—The salaries provided in this act for the officers and employees named herein, shall be in full payment for all services that may be rendered by said officers or employees either in the performance of their regular or special duties or while acting as a member or employee of any state board or commission. [L. 1913, ch. 400, sec. 2.]

PART II. FIRES.

(This comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

(1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel and the administrative duties of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with railroad fires, slash disposal, and fallow and other fires, see subdivisions (2), (3), and (4), respectively.)

SEC. 3792, GEN. STAT., MINN., 1913.

Patrol districts, establishment of.—As soon as practicable after this act shall take effect, the state forester may, with the approval of the state forestry board, create and establish patrol districts, including all lands of both state and private ownership, upon which there is a probability of forest and brush fires starting, and establish rangers over the said districts. [L. 1911, ch. 125, sec. 10.]

SEC. 3793.

District rangers: Duties, in general—Arrests without warrant—Complaint and prosecution—Not liable for civil action for trespass in discharge of duty.—Under the direction of the state forester, the district rangers are charged with preventing and extinguishing forest fires in their respective districts, and the performance of such other duties as may be required by the state forester.

They may arrest without warrant any person found violating any provisions of this chapter. take him before a

magistrate and there make complaint. When the district rangers shall have information that such violation has been committed, they shall, without delay, make similar complaint, and have the same prosecuted. The district rangers shall not be liable for civil action for trespass committed in the discharge of their duties. [L. 1911, ch. 125, sec. 11.]

SEC. 3794.

Fire patrolmen: Duties—Equipment—Impressing assistance—Penalty for failing to assist.—At any time district rangers, with the approval of the state forester, may employ suitable persons to be known as fire patrolmen permanently to remain upon and patrol such territory, state or private, as may be assigned to them as long as may be required to prevent and extinguish any fire. Each such patrolman so employed shall be supplied with the necessary equipment. The state forester, and the district ranger may, and, if they are absent and fires are actually burning in the forest, the fire patrolman may, summon any male person of the age of 18 years and upwards to assist in stopping the fire, and may incur any other necessary and reasonable expense for the same purpose, but shall promptly report the same to the district ranger.

Any person summoned by any official, of the state who is physically able and refuses to assist shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$5.00 and not more than \$25.00.¹ [L. 1911, ch. 125, sec. 12.]

SEC. 3799.

Fire-fighting: Wages and expenses, how fixed and paid for—Payment of residents—Emergency expenses—Vouchers for payments.—The wages and expenses of men summoned or employed to fight forest fires actually burning, shall be fixed and paid for by the state forester and the labor reckoned and paid for by the hours of labor performed, which shall not exceed the rate of 25 cents per hour employed; provided no pay shall be given for fighting fire within one mile of the residence of such person unless employed by the state forester or his assistants. The forestry board is authorized to draw out of the money appropriated by this act a reasonable sum, not to exceed five thousand (5,000) dollars at any one time, from the state treasurer and place the same in the hands of the state forester to be used by him in paying emergency expenses, and the state auditor is authorized to draw his warrant for such sum when duly approved by the president and secretary of said board. The state forester shall take proper sub-vouchers or receipts from all persons to whom such funds are paid and after the same have been approved by the state forestry board, they shall be filed with the state auditor. [L. 1911, ch. 125, sec. 17.]

¹ See also sec. 3800, on pp. 8-9, as to penalty; and sec. 3805, on p. 9, for provisions concerning prosecutions for violations of this act (ch. 125, L. 1911).

SEC. 3801.

Fire-fighting: Villages and cities to clear off combustible material and make fire-breaks—Penalties.—

All villages and cities in the state situated in the timber area are hereby authorized, and all such municipalities where the same is possible so to do are hereby directed, to clear off all combustible material and débris and create at least two good and sufficient fire-breaks of not less than ten feet in width each, which shall completely encircle such municipalities at a distance of not less than twenty rods apart, between which back-fires may be set or a stand made to fight forest fires in cases of emergency.¹

It is hereby made the duty of the district rangers to report to the state forester any failure to comply with the provisions of this section or any violation of this act and any failure so to do shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars.² [L. 1911, ch. 125, sec. 19.]

SEC. 3806.

Fire-fighting by towns, cities, and villages: Appointment of officials as fire wardens—Precautions—Tax for "fire fund"—Cooperation with and action under State forestry officers.—The state forester may appoint supervisors, constables and clerks of towns, mayors of cities and presidents of village councils, fire wardens for their respective districts, and it is hereby made their duty to do all things necessary to protect the property of such municipalities from fire and to extinguish the same.

All towns, villages and cities are hereby authorized and directed to take necessary precautions to prevent the starting and spreading of forest or prairie fires and to extinguish the same and are hereby further authorized to annually levy a tax of not more than five mills upon the taxable property of such municipalities, which, when collected, shall be known as the "Fire Fund" which shall be used in paying all necessary and incidental expenses incurred in enforcing the provisions of this act:

In all townships constituted within any of the forest patrol districts which may be established by the state forestry board, the respective town and village officers shall cooperate as far as possible with and act under the general supervision and direction of the state forestry officers.¹ [L. 1911, ch. 125, sec. 24.]

SEC. 3807.

Fines, disposition of: When paid to county, and when to township, city, or village for "fire fund."—

All moneys received as penalties for violations of the provisions of this act, less the cost of collection and not otherwise provided for, shall be paid into the treasury of the county in which the penalties for said violation of the provisions of this act were imposed; provided, however, that fines collected for violations of this act, where prosecutions

are instituted upon the complaint of township, city or village officers, duly appointed by the state forester as fire wardens, shall be paid into the treasury of the township, city or village where the offense was committed, to be credited to the "fire fund" of such township, city or village. [L., 1911, ch. 125, sec. 25, as amended L., 1913, ch. 159, sec. 7.]

SEC. 3811.

Legalizing payments made in aid of sufferers from forest fires.—That in all cases where the officers of any city or the county board of any county in this state have heretofore, by resolution of the city or common council of any such city or the county board of any such county, in good faith authorized the payment and have paid out public moneys for the purpose of aiding the sufferers from forest fires in northern Minnesota in the year 1910, such payments are hereby in all respects validated and legalized. [L., 1911, ch. 7, sec. 1.]

(2) RAILROAD FIRES.

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and sawmill engines, and boilers.)

SEC. 3795, GEN. STAT., MINN., 1913.

Patrol to follow locomotives: Railroads to provide, when—In case of failure, action by State forester—Recovery of expense—Misdemeanor.—Other precautions—Penalties—Civil liabilities.—When in the judgment of the state forester there is danger of the setting and spreading of fires from locomotive engines, he shall order any railroad company to provide patrolmen to follow each train throughout such fire patrol district or districts as he deems necessary to prevent fires. When the state forester has given a railroad company notice to provide such patrol after trains, the said railroad company shall immediately comply with such instructions throughout the territory designated; and upon its failure so to do, the state forester may employ patrolmen with the necessary equipment to patrol the rights-of-way of said railroad, and the expense of the same shall be charged to the said railroad company, and may be recovered in a civil action in the name of the state of Minnesota, and in addition thereto, the said company shall be guilty of a misdemeanor.

The state forester may prescribe such other measures which are considered by him to be essential for the immediate control of fire.

It is also made the duty of any railroad company, acting independently of such state forester, to patrol its right-of-way after the passage of each train when necessary to prevent the spread of fires and to use the highest degree of diligence to prevent the setting and spread of fire, to cause the extinguishment of fires set by

¹ See also sec. 3789, on p. 3.² For provisions concerning prosecutions for violations of this act (ch. 125, L. 1911), see sec. 3805, on p. 9.

locomotives or found existing upon their respective rights-of-way, and for any violation hereof such railroad company, its officers and patrolmen shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) and costs, and in addition thereto such railroad company shall be liable for all expenses and damages caused or permitted by it to be recovered in civil action.¹ [L. 1911, ch. 125, sec. 13, amended L. 1913, ch. 159, sec. 2.]

SEC. 3796.

Railroad companies, duties of: Ash pans and spark arresters required on locomotives—Inspection of devices—Record of inspections—Responsibility of Company.—Inspectors appointed by State forester, powers of.—Every company operating a railroad for any purpose shall equip and use upon each locomotive engine a practical and efficient ash pan and spark arresting device, which the master mechanic shall cause to be examined and the same shall be examined by the master mechanic or some employee each time before leaving the roundhouse, except when snow is on the ground. A record shall be kept of such examinations in a book to be furnished by the railroad company for the purpose, showing:

1. The place and number of each engine inspected.
2. The date and hour of day of such inspection.
3. The condition of the said fire protective appliance and arrangements; and
4. A record of repairs made to any of the fire protective appliances. The said book to be open for inspection by the state forester or other authorized officer appointed by him.

The master mechanic or employee making such examination shall be held responsible for the good condition of the same, but without relieving the company from its responsibility hereunder. Any locomotive inspector appointed by the state forester is authorized to inspect any locomotive, donkey, traction or portable engine and all other engines and boilers operated in the vicinity of forest, brush or grass lands, and to enter upon any property for such purpose or where he may deem it necessary in order to see that all the provisions of this act are duly complied with.

Rights of way to be kept clear of combustible materials, when—Exception.—Every such company shall keep its right-of-way clear of combustible materials, logs, poles, lumber and wood, except ties, material for shipment, and other material necessary for the maintenance and operation of the road, from March 15th to December 1st. During particularly dry and dangerous periods the state forester may prohibit any and all burning along part or all of railroad right-of-way for a definite period.

Fire-breaks along routes—Intent of requirement.—Every railroad company shall establish and maintain such fire-breaks along the route of its railway as can be constructed and maintained at not excessive

expense. The intention shall be to adjust the protective measures to the local conditions, and to make the expense proportionate to the fire risk and the possible damage.

Engines, not oil-burning: Restrictions in vicinity of forest, brush, or grass lands.—Except when snow is on the ground, no donkey, traction or portable engine or other engines and boilers except locomotives shall be operated in the vicinity of forest, brush or grass lands, which do not burn oil as fuel, except they be provided with a practical and efficient ash-pan and spark arresting device.

Deposits of fire, live coals, and ashes—Trainmen to report fires—Duty of telegraph and telephone agents.—No company shall permit any of its employees to leave a deposit of fire, live coals or ashes in the immediate vicinity of wood land or lands liable to be overrun by fire, and every engineer, conductor or trainman discovering a fire adjacent to the track shall report the same promptly to the agent at the first telegraph or telephone station reached by him, whose duty it shall be as representative of such company to at once take necessary steps to put out such fire.

Instructions to employees re fires—Posting fire notices—Concentration of help, to extinguish fires on rights of way.—Every such company shall give its employees particular instructions for the prevention and extinguishment of fires, and shall cause warning placards such as are approved by the state forester, to be conspicuously posted at every station in the vicinity of forest, brush and grass lands, and when a fire occurs on the right-of-way of its road, shall immediately concentrate such help and adopt such measures as shall be available for its extinguishment.

Reports to State forester upon fires along routes.—Every railroad company shall make such reports to the state forester as are deemed necessary by him of fires occurring on or adjacent to their respective rights-of-way.

Combustible material in proximity of railroad: Action re protection or removal, under notice from forest officer.—Whenever any combustible material shall be left in the proximity of any railroad, either without proper fire protection or so as to constitute a fire menace to other property, it shall be the duty of the owner of such material, upon being notified in writing by the state forester or any forest ranger as to the nature and extent of the protection required, to forthwith comply with all the terms of such notice so as to properly protect or remove such material.

Violations of section: Penalties.—Any company or corporation violating any provision of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and costs of prosecution for each offense, and any railroad employee or other individual violating the same shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs of prosecution,

¹ For provisions concerning prosecutions for violations of this act (ch. 125, L. 1911), see sec. 3805, on p. 9.

or by imprisonment in the county jail not exceeding ninety (90) days.¹ [L. 1911, ch. 125, sec. 14, amended L. 1913, ch. 159, sec. 3.]

SEC. 3786.

Fire notices prepared by State forester: Posting of, by railroads.—(For text of provision, see this section, on p. 2.)

SECS. 3797, 3798.

Slash disposal by corporations and others.—(For text of provisions, see these sections, on pp. 7-8.)

SEC. 3804.

Prima facie evidence of negligence in cases of fire set by corporations and others.—(For text of provisions, see this section, on p. 9.)

SEC. 4426.

Civil liability of railroads for injuries caused by fires—Insurable interest.—Each railroad corporation owning or operating a railroad in this state shall be responsible in damages to every person and corporation whose property may be injured or destroyed by fire communicated directly or indirectly by the locomotive engines in use upon the railroad owned or operated by such railroad corporation, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it and may procure insurance thereon in its own behalf for its protection against such damages. [R. L. sec. 2041, amended L. 1903, ch. 373, sec. 1.]

(3) SLASH DISPOSAL.

(This subdivision comprises the provisions of law, if any, for slash disposal after lumbering and other cutting operations.)

SEC. 5300, GEN. STAT., MINN., 1913.

Posted notice of area to be cut over: What to contain—Period of posting—Copy, with post-office address, to State forester—Penalty for violation of provisions.—Every person, firm or corporation engaged in the cutting of timber of any kind, telegraph poles or fence posts, upon any of the land belonging to the state, or upon any land whatsoever within this state, shall before cutting any such timber, post in a conspicuous place in any camp building or house occupied by his employees engaged in such cutting a notice which shall contain a full description of the lands proposed by him to be cut, the period during which the cutting is proposed to be done, and which said description shall contain the precise description of said land by forty-acre tracts, or fractions thereof, of governmental sub-divisions, and shall include the section, town and range, and such person or persons so engaged in cutting timber as aforesaid shall be required to keep said notice conspicuously posted in such camp building or house during the entire time that he is engaged in

cutting such timber; and he shall, before cutting any such timber, forward a copy of such notice with his post-office address to the state forester at the state capitol, St. Paul. Any person, persons, firms or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than twenty-five dollars (\$25.00) and not exceeding one hundred dollars (\$100.00) or be imprisoned in the county jail for a period not less than twenty days and not exceeding ninety days.

Reward—Exception.—Any person or persons giving to the proper authorities information which shall lead to the conviction of any person, persons, firm or corporation guilty of a violation of this section shall receive the sum of twenty-five dollars (\$25.00) reward, to be ascertained and paid in the manner provided herein for the payment of the reward provided for in section 40 of this act.¹ Provided, however, that the provisions of this section shall not apply to any person who shall be engaged in cutting cordwood upon his own land or engaged in cutting timber for clearing any land actually owned or occupied by him. [1905, ch. 204, sec. 41, amended 1913 ch. 114, sec. 1.]

SEC. 3797.

Slashings, etc.: Disposal of, under direction of forest officer—Fire line around area.—Where and whenever in the judgment of the state forester or district ranger there is or may be danger of starting and spreading of fires from slashings and debris from the cutting of timber of any kind and for any purpose, the state forester or district ranger shall order the individual, firm or corporation, by whom the said timber has been or is being cut, () to dispose of the slashings and debris as he may direct. Where conditions do not permit the burning of the slashings and debris over the entire area so covered, the state forester may require the person, firm or corporation by whom the timber was cut, to dispose of such slashings and debris in such a way as to establish a safe fire line around the area requiring such protection, he said fire line to be of a width and of a character satisfactory to the state forester.

Penalties.—When any person, firm or corporation, shall have been notified by the state forester or district rangers to dispose of slashings and debris, either by entirely consuming the same or establishing a fire line sufficient for the protection of adjoining property, and fails to comply with such instructions, the said person, firm or corporation, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding one hundred dollars (\$100.00) and costs of prosecution for each violation thereof or failure to comply therewith.²

Failure to dispose of slashings: Action by forest officer.—Expense, a lien on lands and timber; how collected—Moneys credited to forest service fund.—When any such () slashings or debris are left unattended

¹ See sec. 5299, Gen. Stat., Minn.

² For provisions concerning prosecutions for violations of this act (ch. 125, L. 1911), see sec. 3805, on p. 9.

² For provisions concerning prosecutions for violations of this act (ch. 125, L. 1911), see sec. 3805, on p. 9.

contrary to the instructions of the state forester or district ranger, the state forester, the district ranger or patrolman may go upon the premises with such force of men as may be necessary and burn such branches, slashings and debris, and the expense thereof shall be a lien upon the land on which they are situated and also upon the logs and other timber products cut upon said land, and enforced as liens are enforced for the improvement of real estate or personal property. An itemized statement duly verified by the oath of the state forester or district ranger of the amount of the costs of burning or, otherwise disposing of such branches, slashings and debris, shall be filed in the office of the register of deeds of the county in which said timber was cut, and also in the office of the surveyor general of logs and lumber of the district in which said cutting was done, and the expense of burning or otherwise disposing of such branches, slashings and debris shall be a prima facie valid claim that may be collected from the person, firm or corporation who cut the wood or timber from which the said slashings and debris were made. Any moneys collected on account of such liens shall be paid into the state treasury and credited to the forest service fund. [L. 1911, ch. 125, sec. 15, amended L. 1913, ch. 159, sec. 4.]

SEC. 3798.

Clearing land for roadbed or right of way: Disposal of slashings—Exception.—Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for roadbed or right-of-way for any railroad, highway or trail shall in the manner and at the time as above prescribed burn the slashings and all combustible material except fuel and merchantable timber.

Clearing land for agricultural or pasturage purposes, etc.: Disposal of slashings under directions of State forester.—Any person or corporation who cuts or fells trees or bushes of any kind in clearing land for agricultural or pasturage purposes, or who in any way clears land, is prohibited from setting fire to the slashings, brush, roots or excavated stumps or other combustible material on such land and letting the fire run; the material must be disposed of pursuant to the regulations of the state forester.

Construction of public roads: Slash disposal duties of contractors—State forester's approval of work—Shade and other trees to be undisturbed.—Any contractor who enters into a contract for the construction of a public road, and which contract involves the cutting or grubbing of woods, standing timber, or brush from any part of the right-of-way of such road, shall pile all the slashings and debris cut or grubbed from the roadbed or right-of-way in the middle of such right-of-way, and shall burn and dispose of such slash and debris without damage to adjoining timber or woods, which burning shall be done in a manner and at a time satisfactory to the state forester; provided, however, that the foregoing provision shall not prevent the leaving of such trees along roads as will be useful for ornamental and shade purposes, and which will not interfere with travel.

Contracts of town and county boards involving cutting of timber on highway rights of way: Slash disposal provisions of.—Every contract made by or on behalf of any town or county board, which involves the cutting of any timber on the right-of-way of a public highway, shall provide in terms for compliance with the foregoing provision, but that the failure to include such provision in the contract shall not relieve said contractor from the duty to burn and dispose of said slashings as aforesaid. No town or county officer shall execute any such contract on behalf of his town or county which does not provide in terms for compliance with the provisions of this section.

Violation of section: Penalties.—Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than twenty (20) days nor more than ninety (90) days.¹ [L. 1911, ch. 125, sec. 16, amended L. 1913, ch. 159, sec. 5.]

(4) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

SEC. 3800, GEN. STAT., MINN., 1913.

Penalties for: Failure of employees to perform duty, and of others to assist—Failure to extinguish fires—Endangering property of others through negligent fires—Use of incombustible wads for firearms—Carrying naked torch, etc., near forest land—Dropping burning matches, etc.—Destruction of notices, etc.—Every employé of the state forestry board and every person lawfully commanded to assist² in enforcing any of the provisions of this chapter, who shall unjustifiably refuse or neglect to perform his duty; every person who shall kindle a fire on or near forest, brush or prairie land and leave it unquenched, or be a party thereto, or who shall set fire to brush, stump, dry grass, field, stubble, or other material and fail to extinguish the same before it has endangered the property of another; every person who shall negligently or carelessly set on fire, or cause to be set on fire, any woods, prairie, or other combustible material, whether on his own land or not, by means whereof the property of another shall be endangered, or who shall negligently suffer any fire upon his own lands to extend beyond the limits thereof;³ every person who shall use other than incombustible wads for firearms, or carry a naked torch, firebrand, or exposed light in or near forest land, or who, in the vicinity of such land, shall throw or drop into combustible material any burning match, ashes or pipe, lighted

¹ For provisions concerning prosecutions for violations of this act (ch. 125, L., 1911), see sec. 3805, on p. 9.

² See also sec. 3794, on p. 4, as to penalty.

³ This clause is a reenactment, in effect, of the provisions contained in sec. 8772. (See Gen. Stat., Minn., 1913.)

cigar, or any other burning substance, and who fails to immediately extinguish the same, and every person who shall deface, destroy or remove any abstract or notice posted under this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days and not exceeding ninety days.¹ [L. 1911, ch. 125, sec. 18.]

SEC. 3802.

Camp fires: Road officers to report—Prosecution of offenders.—Every road overseer or assistant of a road overseer or other local officer having charge of the highway, who finds that any person has left a camp fire burning in his district, shall extinguish the same, and take prompt measures to prosecute the person or persons who so left such fire.¹ [L. 1911, ch. 125, sec. 20.]

SEC. 3803.

Precautions to prevent escape of fires.—Every person who, when the ground is not covered with snow, starts a fire for any purpose not hereinafter specified in this act, in the vicinity of forest or prairie land, shall exercise every reasonable precaution to prevent such fire from spreading, and shall before lighting the same clear the ground from all branches, brushwood, dry leaves and other combustible material within a radius of ten feet from the fire, and shall carefully extinguish the fire before quitting the place. [L. 1911, ch. 125, sec. 21.]

SEC 3804.

Setting of fires: Care required—Prima facie evidence of negligence.—Whoever under any circumstances sets fire must exercise care and precaution in proportion to the danger.

Whenever a fire set by any person or corporation spreads to and destroys property belonging to another, it shall be prima facie evidence that the party so setting such fire is guilty of negligence in setting the same and allowing it to spread. [L. 1911, ch. 125, sec. 22.]

SEC. 3805.

Prosecutions under forestry act (ch. 125, L.1911): Appeals, allowance of—County attorney to prosecute.—No appeal shall be allowed from a judgment in justice's court in any prosecution under this chapter unless the person appealing shall, within the legal time prescribed, enter into a recognizance with two sufficient sureties, surety company or cash bail, in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the general term thereof to be held in and for the same county, and abide the judgment of said court therein.

The justice may examine the proposed sureties under oath, and in such case shall make and keep a record of

their answers in respect to the kinds and amounts of their property that is not exempt from execution, and furnish a copy of the same to the state forester.

Whenever an arrest shall have been made for violation of any of the provisions of this chapter, or whenever information of such violation shall have been lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused with all diligence and energy. [L. 1911, ch. 125, sec. 23, amended L. 1913, ch. 159, sec. 6.]

SEC. 8927.

Wilful burning of grass, timber, etc.: Penalty.—Every person who shall wilfully burn or set fire to any grain, grass, growing crop, standing timber, * * * of another, under circumstances not amounting to arson in any degree, shall be punished by imprisonment in a county jail for not more than one year. [Sec. 5126.]

PART III.—PUBLIC FORESTS.

(This part comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

(1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

SEC. 5377, GEN. STAT., MINN., 1913.

Term "forest reserve" changed to "state forest."—The term "forest reserve," as now used and contained in the laws of the state of Minnesota, shall be and the same is hereby changed to read "state forest." [L. 1913, ch. 86, sec. 1.]

SEC. 5378, AS MODIFIED BY SEC. 5377.

State forests: What included in.—The * * * [state forests] of the state shall consist of all state lands which have been or may be set apart by the legislature, or granted by the United States and accepted by the legislature, for forestry purposes, and of all lands which have been or shall be acquired by the state therefor. [Sec. 2504.]

SEC. 5381, AS MODIFIED BY SEC. 5377.

State forests: Acceptance of lands donated or devised for—Clear title.—When the owner of any lands suitable for the * * * [state forests] shall offer, in writing, to convey the same to the state for forestry purposes, the board [State forestry board] shall refer the question of accepting such offer to the town and county boards where the land is situated, for their advice thereon, and shall consider all objections and recommendations submitted upon such question. The decision of the state board thereon shall be final. No conveyance of such lands shall be accepted unless the board shall be advised by the attorney general that the same are clear of liens

¹ For provisions concerning prosecutions for violations of this act (ch. 125, L., 1911), see sec. 3805, on this page.

except the liens of the state for taxes. If any land shall be devised to the state for forestry purposes, the question of the acceptance thereof shall be determined, as nearly as may be, in the same manner. [Sec. 2512.]

SEC. 5382, AS MODIFIED BY SEC. 5377.

State forests: Tax title lands may become a part of—Procedure—Appropriation.—All lands not included in the corporate limits of any city or village, or any platted town site, which were offered for sale for the payment of taxes which became delinquent prior to the year 1891, under L. 1881, ch. 135, or L. 1893, ch. 150, or L. 1899, ch. 322, and which became the property of the state under any of said acts, and remain undisposed of, and which are totally unfit for agricultural purposes, may become part of the * * * [state forests] in the following manner: When the board shall desire to have any such lands so set apart, it shall submit the question whether such lands are totally unfit for agriculture to the county board, which shall report its determination thereon. Upon request of the forestry board, embodied in a resolution describing such lands so found to be unfit, the attorney general, in all cases in which a right to redeem exists, shall cause notice of the time when the redemption period will expire to be given in the same manner as is required of the holder of a tax certificate; and each notice shall have the same effect to bar the right of redemption as notice given by such holder. The attorney general shall also bring any action in the name of the state necessary to quiet its title. The county attorney, when requested by the attorney general, shall prosecute such actions, for each of which he shall receive five dollars, and the attorney general shall furnish blank forms therefor. When the state's title to any such tract has been quieted, the attorney general shall so certify, and thereupon it shall become a part of the * * * [state forests]. There is hereby appropriated annually ¹ one thousand dollars for paying the expenses incurred in bringing such actions, but no such expenses shall be paid except on vouchers of the forestry board, approved by the attorney general. [Sec. 2513.]

SEC. 5383, AS MODIFIED BY SEC. 5377.

State forests: Purchase of lands for—Clear title.—The board is authorized to purchase for the * * * [state forests], at a price not exceeding two dollars and fifty cents per acre, any land, preferably at the sources of rivers, which is adapted for forestry, but not to exceed in any one township one-eighth of the area thereof; and no money shall be paid therefor until the attorney general certifies that the deed thereof conveys a clear title to the state. [Sec. 2514.]

SEC. 5384, AS MODIFIED BY SEC. 5377.

State forests, parks, etc.: Killing of animals and birds within, prohibited—Exceptions.—No person shall kill, or pursue with intent to kill, take, snare, or have

in possession, by any means upon any Minnesota state forest * * * lands or parks, or upon any lands that may be designated by the state game and fish commission as game propagating and breeding grounds, any wild animals or birds protected at any time by law. The killing or having in possession of each of such protected animal or bird shall constitute a separate offense.

Provided, that this act shall not prohibit the killing or destroying of wolves or other noxious animals by or under the supervision of the state game and fish commission. [L. 1907, ch. 45, sec. 1, amended L. 1909, ch. 171; L. 1913, ch. 95, sec. 1.]

SEC. 5385.

Violation of act (Ch. 45, L. 1907): Penalties.—Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than thirty days or more than ninety days or both. [L. 1907, ch. 45, sec. 2.]

SEC. 5339.

Itasca State Park: Established—Name—Dedicated to use of people of State.—All the lands hereinafter described, or so much thereof as the state is or shall become seized of, shall be a public park, to wit: * * * The name of the park shall be the "Itasca State Park," and it shall remain dedicated to the perpetual use of the people of the state under such restrictions as may be provided by law.¹ [Sec. 2496.]

SEC. 5340.

Itasca State Park: Private lands within, how acquired—Annual appropriation.—The attorney general when requested by the governor, shall procure from persons owning land within the park limits concessions to the state for park purposes by contract or deed, subject to the approval of the governor. If satisfactory concessions can not be so secured, the governor ¹ may direct the attorney general to acquire the title thereto by condemnation. The sum of five thousand dollars is hereby appropriated annually ² out of the treasury, or so much thereof as may be necessary, to pay for such lands. [Sec. 2498.]

SEC. 5341.

Itasca State Park: School lands within, how acquired.—The auditor ¹ shall take proper proceedings, under the provisions of this chapter relative to the appraisal and sale of school lands, to cause the sale of the school lands in the park, and at the sale thereof the same shall be bid in by the state for park purposes. [Sec. 2499.]

SEC. 5342.

Itasca State Park: Trespasses within, on timber, game or fish, by fire, or on improvements, etc.—Penalty.—Every person, including Indians, who shall

¹ Standing appropriations of this nature have been repealed. (See Gen. Stat., Minn., 1913, secs. 48, 49.)

¹ See sec. 5344, on p. 11.

² See footnote to sec. 5382, on this page.

wilfully cut, injure, or take any tree, shrub, timber, or plant in said park, or who shall kill, cause to be killed, or pursue with intent to kill any wild animal, or, except with the consent of the park commissioner, take any fish from the waters thereof, raise or lower any of the lakes or streams within said park, or set any fire therein, or who shall wilfully injure any building, improvement, or property of the state therein, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars.¹ [Sec. 2500.]

SEC. 5343.

Itasca State Park: Addition to, in Hubbard County.— * * * situated in Hubbard county, is hereby added to and made a part of Itasca State Park. L. 1905, ch. 277, sec. 1.]

SEC. 5344, AS MODIFIED BY SEC. 5377.

Itasca State Park: Made a state forest—Management by State forestry board—Standing appropriations.—Itasca State Park is hereby made a * * * [state forest], and its management placed under the state forestry board, to be cared for in the same manner as other * * * [state forests], as provided for in the act establishing said board except as hereinafter provided. The standing appropriations² for said park shall be expended under direction of the state forestry board, and said state forestry board is hereby vested with all the powers with reference to said park heretofore exercised by any other board or state officer. [L. 1907, ch. 90, sec. 1.]

SEC. 5345.

Itasca State Park: Primeval pine forest to be preserved—Dead and down, diseased, and insect infested timber—Revenues from sales of timber.—The state forestry board shall preserve intact the primeval pine forest now growing in Itasca State Park, and shall cut no part thereof except weak, diseased or insect infested trees, or dead and down timber. The net returns from the sales of timber of any description from said park shall be turned into the state treasury. [L. 1907, ch. 90, sec. 2.]

SEC. 5346.

Itasca State Park: Forest demonstration work within, by regents of State University; and cooperative forest work either within or elsewhere.—The board of regents of the state university may, in their discretion, use for their forest demonstrations work in connection with the forestry course in the state university, any suitable tracts of land in Itasca State Park that may be assigned to them for this purpose by the state forestry

board, or may undertake forestry work in the said park or elsewhere in conjunction with the state forestry board.¹ [L. 1907, ch. 90, sec. 3.]

SEC. 5347.

Itasca State Park: Game preserve—Trespass statutes not repealed.—Itasca State Park shall be maintained by the state forestry board as a game preserve, and nothing in this act shall be construed as repealing the existing statutes in regard to trespass in Itasca State Park. [L. 1907, ch. 90, sec. 4.]

SEC. 5348.

Itasca State Park: Forestry board authorized to accept donations of certain lands—Reservation of timber rights.—The state forestry board is hereby authorized to accept for the state of Minnesota donations of the hereinafter described land² within the limits of the Itasca State Park, and such donors may reserve to themselves the right to cut and remove from the said lands all the white pine, Norway pine, Jack pine, spruce, cedar, tamarack and balsam timber eight inches in diameter and over and four feet and six inches from the ground at the time of cutting; and that the donors of the said land may reserve the right to cut and remove the timber growing on said land for a period not exceeding ten years from the date of such donation. [L. 1909, ch. 220, sec. 1.]

SEC. 5349.

Itasca State Park: Taxes on reserved timber—Floating logs, privilege—Selection of groves—Stumpage price—Payments for standing timber.—All the taxes levied on such timber which the donors may reserve to themselves under this act shall be paid by the state of Minnesota for a period not exceeding ten years and the said donors shall have the right to drive their logs through Itasca Lake with two foot head of water during such period of ten years for the purpose of getting the timber cut on such lands to market. In addition to the right given to the state forestry board under this act, they shall reserve to the state and it shall be part of the agreement under which such donation is made that the said state of Minnesota by its said forestry board shall have the right to select such groves of timber as it may wish to preserve, to mark such groves and the trees therein with copper nails or white paint at the expense of the donors, and to pay the purchase price for the stumpage selected, which price shall be the same as that awarded the Red River Lumber Company according to size. Provided, that the

¹ See sec. 5347, on this page, and secs. 5384, 5385, on p. 10.

² See footnote to sec. 5382, on p. 10.

¹ Cloquet Forest Experiment Station: Forest demonstration work by regents of the State university.—The board of regents of the State university are also, independently, charged with managing a tract, in Carlton County, Minn., known as the Cloquet Forest Experiment Station, as a demonstration forest and experiment station for the students of the forestry department of the university. (See, in Gen. Stat. of Minn., 1913, secs. 3040-3042.)

² See sec. 5350, on p. 12.

state forestry board shall have the right to make partial payments for any standing timber which the forestry board may purchase from said donors. [L. 1909, ch. 220, sec. 2.]

SEC. 5350.

Itasca State Park: Description of lands donated.—The lands referred to in section one of this act [Code sec. 5348] are situated in Itasca Park in Becker, Hubbard and Clearwater counties in this state and are described as follows: * * * [L. 1909, ch. 220, sec. 4.]

SEC. 5351.

Itasca State Park: Reservation of mineral rights by donors of lands.—The state forestry board is hereby authorized in its contract with any donors of lands specified in the above mentioned act approved April 17, 1909 [secs. 5348–5350] in addition to the other stipulations in said act, to allow any donor to reserve the minerals there may be in said lands. [L. 1911, ch. 275, sec. 1.]

SEC. 5352.

Itasca State Park: Forestry board authorized to secure remaining private lands and timber thereon.—In addition to the powers now conferred by law upon the state forestry board, said board is hereby authorized to secure for the state of Minnesota, by gift, purchase or condemnation, any lands and the timber thereon in Itasca State Park not now owned by the state of Minnesota. [L. 1913, ch. 531, sec. 1.]

SEC. 5353.

Itasca State Park: Tax levy for acquirement of lands and timber.—The money for the purchase and condemnation of such lands and the timber thereon shall be obtained by the levy and collection of a state tax of an amount equal to the interest on \$250,000.00 each year for five (5) years and of \$25,000.00 a year and the amount of interest on outstanding and unpaid Itasca park certificates of indebtedness each year after said five (5) years until all such certificates and interest thereon are paid. The state auditor is hereby directed to levy and collect such tax. The proceeds of such tax are hereby appropriated, so far as necessary to do so, to the payment for such lands and the timber thereon, and said certificates of indebtedness with interest, and the incidental expenses hereafter referred to. [L. 1913, ch. 531, sec. 2.]

SEC. 5354.

Itasca State Park: Itasca Park certificates of indebtedness.—The state forestry board may issue against said taxes to be levied, collected and appropriated pursuant to the preceding section, certificates of indebtedness which shall be known as "Itasca Park certificates of indebtedness." They shall be in the aggregate of not more than \$250,000.00 and shall be issued in denominations of \$500.00 and shall be due in the aggregate of not more than \$25,000.00 a year beginning with 1918 and shall bear inter-

est at not to exceed five (5) per centum per annum, and shall be sold as money is needed for the purchase or condemnation of land and timber thereon for said park as hereinbefore indicated, and the proceeds of such sales shall be used for such purchases or condemnations and interest as aforesaid, and the incidental expenses connected with such gifts, purchases or condemnations and not otherwise. [L. 1913, ch. 531, sec. 3.]

SEC. 5355.

Itasca State Park: Custodian of Douglas lodge and other buildings—Revenue from buildings, disposition and use of—Regulation of charges—Superintendent of park, appointment, compensation, and powers of—Protection of game and fish.—To extend the authority conferred upon the forestry board by chapter 90 of the General Laws of 1907 [secs. 5344–5347] and other provisions applicable thereto in respect to the management of Itasca State Park, said board may appoint a custodian of Douglas lodge and any or all of the cottages and other buildings owned by the state situated in the park, (excepting the buildings used for forest school purposes) and permit him to use the same upon such terms and conditions as shall be mutually agreed upon between them, conditioned however, that such party shall serve as custodian only during the pleasure of the board; the revenue derived by the state pursuant to the terms of any such agreement shall be paid into the state treasury, credited to the Itasca State Park support fund and used in maintaining and improving the park. Said lodge and all cottages shall as heretofore be used solely for the accommodation of the public visiting the park. The forestry board may prescribe rules and regulations for the management of the lodge and rates to be charged by such manager for the accommodation of the public. The board may appoint any competent person superintendent of the park who shall serve during the pleasure of the board; locate his place of residence and define his duties. His compensation as such superintendent shall be fifty (\$50.00) dollars per month and it shall be his duty to give personal attention to the preservation of the park; prevent and put out fires; protect the game and fish therein, and perform such other duties as shall be prescribed by the state forestry board. The powers of a deputy game warden are hereby vested in him. He may act as district forest ranger or other forest officer and receive such compensation for such services as may be determined by the board of officers appointing him, not however, in excess of fifty (\$50.00) dollars per month in addition to his said salary as superintendent. The said board is also authorized and directed to take necessary steps to protect all game and fish in the park and is hereby given general supervision and control of the subject. [L. 1913, ch. 559, sec. 1.]

SEC. 5356.

Itasca State Park: Improvement of Douglas lodge authorized.—(For text of provision, see this section in General Statutes, Minn., 1913.)

(2) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

SEC. 5300.

Posted notice of area to be cut over: What to contain—Period of posting—Copy to State forester—Penalty for violation of provisions—Reward—Exception.—(For text of these provisions, see this section on p. 7.)

(3) MUNICIPAL FORESTS.

SEC. 1846, GEN. STAT., MINN., 1913.

Municipal forests: Acquirement of lands for, by cities, villages, and towns—Naming—Management—Tax levy.—Any city¹ village or town in this state, by resolution of the governing body thereof, may accept donations of land that such governing body may deem to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage the same on forestry principles. The donor of not less than one hundred acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any city, village, or town in this state, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city or village election or town meeting where such question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and manage the same on forestry principles; the selection of such lands and the plan of management thereof shall have the approval of the state forester. Such city, village, or town is authorized to levy and collect an annual tax of not exceeding five mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests. [L. 1913, ch. 211, sec. 1.]

SEC. 1, CH. 108, L. 1915.

Municipal Forest: Donation of certain land by State to City of St. Paul.—Upon the adoption of a resolution by the governing body of the city of St. Paul, in Ramsey County, Minnesota, accepting a donation and conveyance from the state of a portion of the land of the first state fish hatchery of the city of St. Paul, Minnesota, hereinafter set forth, pursuant to the provisions of Chapter 211, Laws of Minnesota for the year 1913, for a municipal forest in the city of St. Paul, and upon the presentation and delivery of a certified copy of such resolution to the governor of the state, a donation and conveyance of said land shall be made by the state to the city of St. Paul.

¹ See, on this page, chs. 108, 217, L. 1915, containing later legislation on this subject concerning the city of St. Paul, Minn., and other cities in the State which meet certain specified requirements.

SEC. 2.

Deed of conveyance, form of.—The deed of conveyance shall be executed by the governor and the state auditor, and attested by the secretary of state. Such instrument or conveyance shall recite that the donation and conveyance is made for use as a municipal forest only, under the provisions of said Chapter 211, Laws of Minnesota for 1913, and shall further provide that the said premises shall be used by the said city of St. Paul for a municipal forest only, and that in the event the said city of St. Paul shall cease to use the same for such purpose within the spirit and intent of this act, the title to said property shall ipso facto revert to the said State of Minnesota.

SEC. 3.

Land to be donated, description of.—The land and premises hereinbefore referred to, which is to be donated and conveyed by the State of Minnesota to the city of St. Paul, is a part of the lands and premises of the state known as the first state fish hatchery, situated in the city of St. Paul, in Ramsey county, Minnesota, to-wit:

* * * * *

Containing Twenty and Fifty-five hundredths (20.55) acres more or less.

SEC. 1, CH. 217, L. 1915.

Municipal Forests: Acquirement of lands for, by certain cities—Naming—Management—Tax levy.—Any city in the State of Minnesota, now or hereafter having a population of more than fifty thousand inhabitants, by resolution of the governing body thereof, may accept donations of land as such governing body may deem to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage the same on forestry principles. The donor [donor] of not less than one hundred acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any such city, when funds are available or have been levied therefor, may purchase or obtain by condemnation proceedings, and preferably at the sources of streams any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, which is conveniently located for the purpose, and manage the same on forestry principles. The selection of such lands, and the plans of management thereof, shall have the approval of the state forester. Such city is authorized to levy and collect an annual tax of not exceeding five mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests.

SEC. 2.

Application of act.—This act shall apply only to such cities as are or may be governed by a charter adopted pursuant to Section 36 Article 4 of the Constitution of this state.

PART IV.—TAXATION.

(This part comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

SEC. 5191, GEN. STAT., MINN., 1913.

Bounties for timber growing: Certain requirements—Exceptions as to who may receive bounties—Appropriation.—Every person who shall plant one acre or more of land with forest trees of any kind other than black locust, and shall keep such trees growing in a thrifty condition, and not more than twelve feet apart either way, replacing yearly such as may die, shall receive from the state two dollars and fifty cents per acre therefor for six successive years, not exceeding, however, twenty-five dollars in any one year. This section shall not apply to any railway company, to any person who has already received such compensation, nor to any person planting trees in compliance with an act of Congress approved March 3, 1873, relating to the growth of timber on western prairies, or any act amendatory thereof. For the purpose of paying such compensation, the sum of twenty thousand dollars is annually appropriated from the revenue fund.¹ [R. L. sec. 2391, amended L. 1913, ch. 76, sec. 1.]

SEC. 5192.

Proof.—The claimant shall file with the county auditor a plat giving the government subdivision, and the position of the trees thereon. If the number of trees be increased, supplemental plats shall be filed. He shall

¹ See footnote to sec. 5382, on p. 10.

show his ownership of the land, and make oath to the planting and maintaining of the trees as prescribed in sec. 5191; and his proof shall be supported by the affidavit of at least two freeholders, residing in the same town, who have personal knowledge of the facts. Such proofs shall be filed with the county auditor between July 1 and July 15 of the year for which compensation is claimed. [Sec. 2392.]

SEC. 5193.

Examination and report by assessor.—The assessor of every town, at the time of making his assessment, shall ascertain if trees have been planted therein for which compensation is claimed under this chapter, and, if any such be found, he shall personally examine the same, and report the area planted and the condition of the trees to the auditor when the assessment books are returned. [Sec. 2393.]

SEC. 5194.

Action on proofs by auditor.—Before August 1 the auditor shall compare the proofs furnished by the claimant with the assessor's report, and, if they correspond in substance, he shall immediately forward to the state auditor the original proofs of claim, and a certified list of all plats filed. [Sec. 2394.]

SEC. 5195.

Issuance of warrants to claimants.—The state auditor shall audit all such claims, and on the first Monday of October in each year shall issue his warrant to the several claimants for the amount to which each is entitled; but, if the aggregate of compensation due to all such claimants shall exceed the appropriation therefor, he shall distribute the available amount amongst them pro rata, which distribution shall relieve the state from further obligation to such claimants for the year. [Sec. 2395.]

